

Law Offices of:
PHILIP J. BERG, ESQUIRE
Identification No. 09867
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531
Ph: (610) 825-3134
Fx: (610) 834-7659
Email: philjberg@gmail.com

Attorney in pro se

EVELYN ADAMS, Plaintiff
c/o **PHILIP J. BERG, ESQUIRE**
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531
Ph: (610) 825-3134
Fx: (610) 834-7659
Email: philjberg@gmail.com

In Pro Se

LISA OSTELLA, and GO EXCEL GLOBAL, Plaintiffs
c/o **PHILIP J. BERG, ESQUIRE**
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531
Ph: (610) 825-3134
Fx: (610) 834-7659
Email: philjberg@gmail.com

In Pro Se

LISA LIBERI, Plaintiff
c/o **PHILIP J. BERG, ESQUIRE**
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531
Ph: (610) 825-3134
Fx: (610) 834-7659
Email: philjberg@gmail.com

In Pro Se

**U.S. DISTRICT COURT, NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

LISA LIBERI, et al,

Plaintiffs,

vs.

LINDA SUE BELCHER, et al,

Defendants.

CIVIL ACTION

Case No. 2:11-cv-00090-J

Honorable Mary Lou Robinson

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS
EDGAR and CAREN HALES MOTION TO STRIKE PLAINTIFFS
OPPOSITION TO THE HALE DEFENDANTS MOTION TO DISMISS,
DOCKET NO. 185 and PLAINTIFFS MOTION FOR A PROTECTIVE
ORDER, DOCKET NO. 186**

TO THE HONORABLE COURT:

Plaintiffs Philip J. Berg, Esquire, in pro se and Plaintiffs Evelyn Adams, Lisa Liberi, Lisa Ostella, Go Excel Global and the Law Offices of Philip J. Berg [“Plaintiffs”] files the within Response in Opposition to Defendants Edgar and Caren Hales [hereinafter at times “Defendant” or “Hales”] Motion to Strike [“MTS”] Plaintiffs Response in Opposition to the Hale Defendants Motion to Dismiss, Docket No. 185 and Plaintiffs Motion for a Protective Order [“MPO”], DN 186.. In support hereof, Plaintiffs aver as follows:

1. Defendant’s Motion to Strike is improper and incompliant with the Federal Rules of Civil Procedure 7(a)(B); and this Court’s Local Rules 7.1(a); 7.1(b); 7.1(d); and 7.2 and therefore, should be stricken.
2. Being that Defendant failed to provide a Brief or Memorandum of Points and Authorities based on any case law or statutes relied upon, Plaintiffs can only assume Defendant is attempting to file a Motion to Strike pursuant to *Fed. R. Civ. P.* 12(f).

3. The Hale Defendants Motion to Strike Plaintiffs Opposition to the Hale Defendants Motion to Dismiss, Docket No. 185 is Moot. This Court issued an Order Denying the Hale Defendants Motion to Dismiss on December 13, 2011, DN 196.

4. Mr. Berg is a *pro se* Plaintiff herein and all Plaintiffs have jointly worked together on the filings, and have given full authorization for their electronic signatures on the pleadings filed.

5. Further, Plaintiffs are not being served with the Hale Defendants filings and/or attempted filings as claimed by the Defendants. The Motion to Dismiss filed by Defendant Edgar Hale on behalf of Defendant Linda Belcher, Plaintiffs were never served with and only learned of it on December 13, 2011, when this Court issued an Order stating the Court would not consider the Motion, *see* Docket No. 197. Likewise, Plaintiffs did not receive service, as claimed by the Hales, of the Hale Defendants Motion to Strike until the Court filed it on the Docket and Plaintiffs received service through the ECF Federal Filing system.

6. Plaintiffs rely on the Declarations of Lisa Liberi, Docket No. 188-3 Philip J. Berg, Docket No. 188-4, Evelyn Adams, Docket No. 188-5 and Lisa Ostella, Docket No. 188-6 filed August 31, 2011 instead of refilling the same Declarations to support their Response and Brief in Opposition to the Hale Defendants MTS, appearing as Docket No. 198 filed December 13, 2011.

7. Plaintiffs Opposition is based upon the above referenced declarations, this Response in Opposition and Plaintiffs Brief in support of their Opposition filed concurrently herewith.

WHEREFORE, for the reasons outlined herein and in Plaintiffs Memorandum of Points and Authorities, Plaintiffs respectfully Request this Court to Deny the Hale Defendants Motion to Strike.

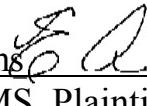
Respectfully submitted,

Dated: December 23, 2011

/s/ Philip J. Berg
PHILIP J. BERG, ESQUIRE
Attorney in pro se

The Following Plaintiffs in Pro Se and all the Plaintiffs have joined in this Response in Opposition to the Hale Defendants Motion to Strike Plaintiffs Opposition to the Hale Defendants Motion to Dismiss, DN 185 and Plaintiffs Motion for a Protective Order, DN 186 and have given full permission for their electronic signature to be filed electronically. Further, Mr. Berg maintains in his office, the originally signed copies by each of the following Plaintiffs:

Dated: December 23, 2011

/s/ Evelyn Adams 
EVELYN ADAMS, Plaintiff

Dated: December 21, 2011

/s/ Lisa Ostella 
LISA OSTELLA, and
GO EXCEL GLOBAL, Plaintiffs

Dated: December 23, 2011

/s/ Lisa Liberi 
LISA LIBERI, Plaintiff